



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CRIMINAL WRIT PETITION NO. 915 OF 2023

Megha W/o Amol Dhok

Versus

Amol S/o Ramesh Dhok And others

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Advocate for the Petitioner : Ms. Pranoti R. Karpe h/f Mr. V.S. Bedre
APP for Respondent: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th JANUARY, 2024.

PER COURT :-

1. This writ petition is directed against the order dated 26.10.2021, passed by the learned Judicial Magistrate, First Class (Court No.1) Shrirampur, district Ahmednagar, below Exh.1 in R.C.C. No. 6 of 2018, thereby dismissing the complaint filed by the petitioner under Section 200 of the Cr.P.C. The trial court observed in the impugned order that the complainant and his advocate were absent though called repeatedly and therefore, the petitioner's complaint was dismissed in default.

2. Learned advocate for the petitioner submitted that due to COVID-19 restrictions, the complainant and his advocate could not attend the matter.

3. The Hon'ble Supreme Court in M.A. No.21 of 2022 in M.A. No. 665 of 2021 in Suo Motu Writ petition (C) No. 3 of 2020, vide its

order dated 10.01.2022, directed that the period of limitation from 15.03.2020 to 28.02.2022 was excluded. There was fear of COVID-19 in the mind of everyone. It was difficult for the complainant to remain present before the court. The complainant had bonafide reason to remain absent because of COVID-19 fear. Learned J.M.F.C. Court did not consider this aspect and passed the impugned order. Thus, the impugned order is not sustainable and the same deserves to be quashed and set aside.

4. In view of the above, the writ petition deserves to be allowed. The writ petition is accordingly allowed. The impugned order is quashed and set aside. The complaint is restored to its original stage.

(SANJAY A. DESHMUKH, J.)

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